

path attached to the exterior surface of a helmet and that the path further has a first end optically coupled to a light source and a second end for emitting light.

Claims 1-7, 14-21 and 28 are rejected under 35 U.S.C. §102(e) as being anticipated by Baumgartner. The Examiner contends that Baumgartner also discloses at least one light conductive path attached to the exterior surface of a helmet and that the path further has a first end optically coupled to a light source and a second end for emitting light. The Examiner further contends that Baumgartner teaches LEDs having various colors and rechargeable batteries which may be used with the lighting assembly.

Claims 1-7, 14-21 and 28 are rejected under 35 U.S.C. §102(b) as being anticipated by Shea, Sr. The Examiner contends that Shea, Sr. discloses at least one light conductive path attached to the exterior surface of a helmet and that the path has a first end optically coupled to a light source and a second end for emitting light.

Applicants respectfully traverse the rejections under 35 U.S.C. §102. When applying 35 U.S.C. §102, “a claim is anticipated only if each and every element is set forth in the claim as found, either expressly or inherently described, in a single prior art reference.” Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ...claim.”

Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully submits that the cited references do not anticipate the claims as rejected by the Examiner. Accordingly, it is respectfully requested that the Examiner withdraw the rejections under 35 U.S.C. §102.

## II. Rejections Under 35 U.S.C. §103

Claims 8-13, 22-27 and 29-30 are rejected under 35 U.S.C. §103(a) as obvious over Glatt ('947 or '949) in view of (Pfaeffle or Baumgartner or Shea, Sr.). With respect to claims 8-9, 11-13, 22-23, 25-27 and 29-30, the office action concludes that the Glatt references teach the claimed invention except for the teaching of a light conductive member for transmitting light from one end to an opposite end thereof. The Examiner further contends that the other cited references all teach fiber optic light members for transmitting light along the exterior surface of the helmet and concludes that it would have been obvious to one skilled in the art at the time the invention was made to substitute the fiber optic lighting systems of these references for the string lights of the Glatt references in order to efficiently transmit light over a greater surface while using less battery power. Regarding Claims 10 and 24, the Examiner contends that the Glatt references disclose the claimed invention except for the signal receiving means being an ultrasonic, radio frequency or infrared signal and concludes that it would have been obvious to one skilled in the art at the time the invention was made to substitute an ultrasonic, radio frequency or infrared signal receiving means for the signal receiving device of the Glatt references since these types of signaling devices are equivalent in the illumination art and would be interchangeable to one skilled in the art.

Applicant respectfully traverses these rejections. When applying 35 U.S.C. §103, the Examiner is required to adhere to the following tenets of patent law: (1) The claimed invention must be considered as a whole; (2) The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (3) The references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (4) Reasonable expectation of success is the standard with which obviousness is

determined. (MPEP, 2141.01). In addition, all the claim limitations must be taught or suggested by the prior art to establish a *prima facie* case of obviousness of a claimed invention. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

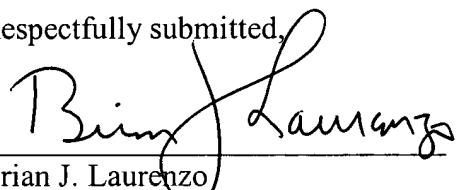
Applicant respectfully submits that the cited references, whether considered alone or in combination, do not teach nor suggest Applicant's invention as claimed. Accordingly, Applicant respectfully submits that the Office Action has failed to establish a *prima facie* case of obviousness. Withdrawal of the 35 U.S.C. §103 rejections is respectfully requested.

### **CONCLUSION**

In view of the above remarks, it is respectfully submitted that this application is in condition for allowance and such action is earnestly solicited.

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Respectfully submitted,

  
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